

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BRYCE FRANKLIN,

Plaintiff,

v.

Civ. No. 19-899 KWR/GBW

AMANDA ANAYA and
KARL DOUGLAS,

Defendants.

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

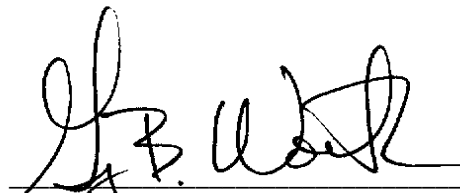
THIS MATTER comes before me upon review of the record and pursuant to the Honorable Kea W. Riggs's Order Referring Case (*doc. 47*), referring this case to me for analysis, findings of fact, evidentiary hearings if warranted, and recommendations for its ultimate disposition. Based on the foregoing reasoning, I RECOMMEND that the Court dismiss this case based on Plaintiff's failure to provide valid addresses for service on the remaining defendants.

As noted in my previous orders, Defendants Anaya and Douglas are the only remaining defendants in Plaintiff's case. *See docs. 80, 81*. Neither has been served by Plaintiff. On April 8, 2024, I compelled then-Defendant The GEO Group to provide the last known addresses for Defendants Anaya and Douglas. *See docs. 64, 65, 66*. Pursuant to Fed. R. Civ. P. 4(c)(2), I then ordered the United States Marshal to attempt service on Defendants Anaya and Douglas at the provided addresses on May 9, 2024. *See docs. 70,*

71. Despite diligent efforts, neither Defendant was served or otherwise located at those addresses. *See docs. 76, 78, 79.*

On July 1, 2024, I again ordered Plaintiff to provide valid addresses for the unserved Defendants, and I noted that failure to provide valid addresses could result in immediate dismissal of Plaintiff's claims against these defendants. *See doc. 81.* Plaintiff filed a response on July 12, 2024, in which he requested that the Court appoint counsel. *See doc. 83.* On July 19, 2024, I denied Plaintiff's request for appointment of counsel, ordered Plaintiff to provide valid addresses within 30 days, and again noted that failure to provide valid address could result in immediate dismissal of Plaintiff's claims. *Doc. 84.* Plaintiff filed objections to my July 19, 2024, order on August 7, 2024. *Doc. 86.* On September 16, 2024, Judge Riggs overruled these objections, affirmed my July 19, 2024, order, and again ordered Plaintiff to provide valid addresses for service on Defendants Anaya and Douglas within thirty (30) days of the entry of her order. *Doc. 87.* Judge Riggs again warned that "[f]ailure to do so may result in dismissal of his claims without further notice." *Id.* More than thirty days has passed, and Plaintiff has failed to do so.

Given that Plaintiff has failed to provide valid addresses for the remaining Defendants despite repeatedly being ordered to do so and warned that dismissal would result from such failure, I RECOMMEND that the Court DISMISS this matter pursuant to Fed. R. Civ. P. 41(b).

A handwritten signature in black ink, appearing to read 'G. B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH
CHIEF UNITED STATES MAGISTRATE JUDGE

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.